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**SEP 12 2001**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 12, 2001

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Counter TW-A325  
Washington, DC 20554

Re: *In the Matter of Annual Assessment of the Status of Competition in the  
Market for the Delivery of Video Programming, CS Docket No. 01-129*

Dear Ms. Salas:

We are submitting the attached study for inclusion in the record of the above-named docket. This study shows EARN conducted a geographic analysis of the planned spot beams using DirecTV's application as a reference. It found that the local signal problem has not been solved. To the contrary, the communities that rely most on satellite services will be the ones least served by the spot beams, should the spot beam satellite actually be deployed in the manner described by DirecTV.

Highlights of the study are as follows:

- 80% of all television markets will not have any local satellite service by satellite.
- Over 1,100 local television stations will be "left behind."
- 17 states will have no local service by satellite whatsoever.
- An additional 10 states will have less than 25% of their local stations carried.
- Educational television will be hardest hit – 248 stations or 22% of the "left behind" stations are educational.
- Areas with high Hispanic population will be severely impacted; Texas, California and Puerto Rico are among the top ten "left behind" regions.


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- Unserved communities are located throughout the United States, but are concentrated in areas where satellite usage is the highest, yet spot beams will focus on urban, already-served markets.

An original and four copies of this letter and its attachment are enclosed. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink that reads "Peter Pitts" followed by a stylized flourish that appears to be "gph".

Peter Pitts  
Executive Director

Attachment

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# LEFT BEHIND

A Study of the Capability of Proposed  
Satellite Television Spot Beams  
to Provide Local Television  
to American Communities

**EARN**  
Equal Airwaves Right Now  
National Press Club  
July 24, 2001

# Table of Contents

<u>Tab</u>	<u>Item</u>
1	Abstract & Study Highlights
2	US Maps of Television Stations In DMAs Unserved by DBS
3	Summary by State of Television Stations Left Behind by DBS
4	Summary by Communities of Television Stations Left Behind By DBS
5	Detailed List of Television Stations Left Behind by DBS
6	Representative Regional Maps Of Communities Left Behind by DBS



# LEFT BEHIND – THE EARN STUDY

## Abstract

For many years, the satellite television industry has had minimal carriage of local television programming, but promised that future “spot beam” satellites would solve the problem. In May 2001, DirecTV filed an application<sup>1</sup> with the Federal Communications Commission to launch a spot beam service, as did Echostar.

EARN conducted a geographic analysis<sup>2</sup> of the planned spot beams using DirecTV’s application as a reference. It was found that the local signal problem has not been solved. To the contrary, the communities that rely most on satellite services will be the ones least served by the spot beams, should the spot beam satellite actually be deployed in the manner described by DirecTV.

## Study Highlights

After spot beam deployment:

- 80% of all television markets will not have any local service by satellite.
- Over 1,100 local television stations will be “left behind.”
- 17 states will have no local service by satellite whatsoever.
- An additional 10 states will have less than 25% of their local stations carried.
- Educational television will be hardest hit – 248 stations or 22% of the “left behind” stations are educational.
- Areas with high Hispanic population will be severely impacted; Texas, California and Puerto Rico are among the top ten “left behind” regions.
- Unserved communities are located throughout the United States, but are concentrated in areas where satellite usage is the highest, yet spot beams will focus on urban, already-served markets.

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<sup>1</sup> Application for Authority to Launch and Operate DirecTV 4S (USABBS-13) File No. S2430 SAT-LOA-20010518-00045, filed May 18, 2001

<sup>2</sup> Television data on station call signs, location, and affiliation was compiled from several sources including the FCC Mass Media Bureau, A.C. Nielsen, and Warren Communications. While inconsistencies were noted among these sources, in most cases these could be resolved through additional inquiry. In some cases data could not be confirmed, and the FCC information was used. Information on satellite carriage is based on DirecTV’s application to the FCC and DBS company web sites.

## LEFT BEHIND – THE EARN STUDY

### Who Will Be “Left Behind” - Definitions

The Satellite Home Viewer Improvement Act (“SHVIA”) requires that the satellite television industry (“DBS”) carry all local television stations in any market where it carries a single local television station beginning in January 2002. This “carry one; carry all” requirement will mean that satellite television providers must begin carriage of all local television stations in the 42 markets where satellite television currently carries local programming of any kind.

While there has been speculation as to whether DBS will actually comply with SHVIA requirements, this study assumes compliance.<sup>3</sup> For the purpose of this study “left behind” stations are ones that are outside of the 42 markets where coverage will be mandated by law. Thus, the study concentrates in the 168 markets (out of a total of 210 markets) where no local service will be offered by satellite.

### DBS Lawsuit and “Left Behind”

The DBS industry has sued the United States *et al.* to overturn the “carry one; carry all” requirements of SHVIA. This lawsuit was dismissed on June 19, 2001, however the DBS industry has appealed. The DBS industry is also actively lobbying for the law to be changed and claims that without a “must carry obligation” DBS could leave fewer stations behind.

It must be noted that changing the law will not solve the local signal problem. Allowing DBS to “cherry pick” among stations throughout the United States will not reduce the number of total stations left behind. EARN has estimated that the spot beam strategy described by DirecTV has the capacity to carry fewer than 600 - out of a total of approximately 1,700 - stations in the United States. Without a “carry one; carry all” obligation, DBS might chose, for example, to carry more network affiliates by discontinuing independent, educational and Spanish language programming, but the total number of stations carried will be the same. Thus, changing current law, as DBS has advocated, will not change the number of stations left behind, only their complexion.

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<sup>3</sup> Chuck Hewitt, executive director of the Satellite Broadcasting and Communications Association, the DBS industry representative, wrote in *Broadcasting and Cable* magazine on June 25, 2001 that DBS companies “hope not to have to pull *any* local stations from markets they currently serve.”

## LEFT BEHIND – THE EARN STUDY

### Introduction to the Maps and Tables

The following pages present a series of tables and representative maps, including a complete list of the television stations in the areas that will be “left behind” by the DirecTV spot beams.

#### *U.S Maps*

Three maps are presented showing an overview of:

- Areas where satellite television currently provides no local television service
- The geographic center of the new spot beams
- The location of communities and concentration of left behind television stations

#### *Left Behind Stations Tables*

- Top ten “left behind” lists
- Summary by State
- Summary by Affiliation
- Summary by Community
- Full listing

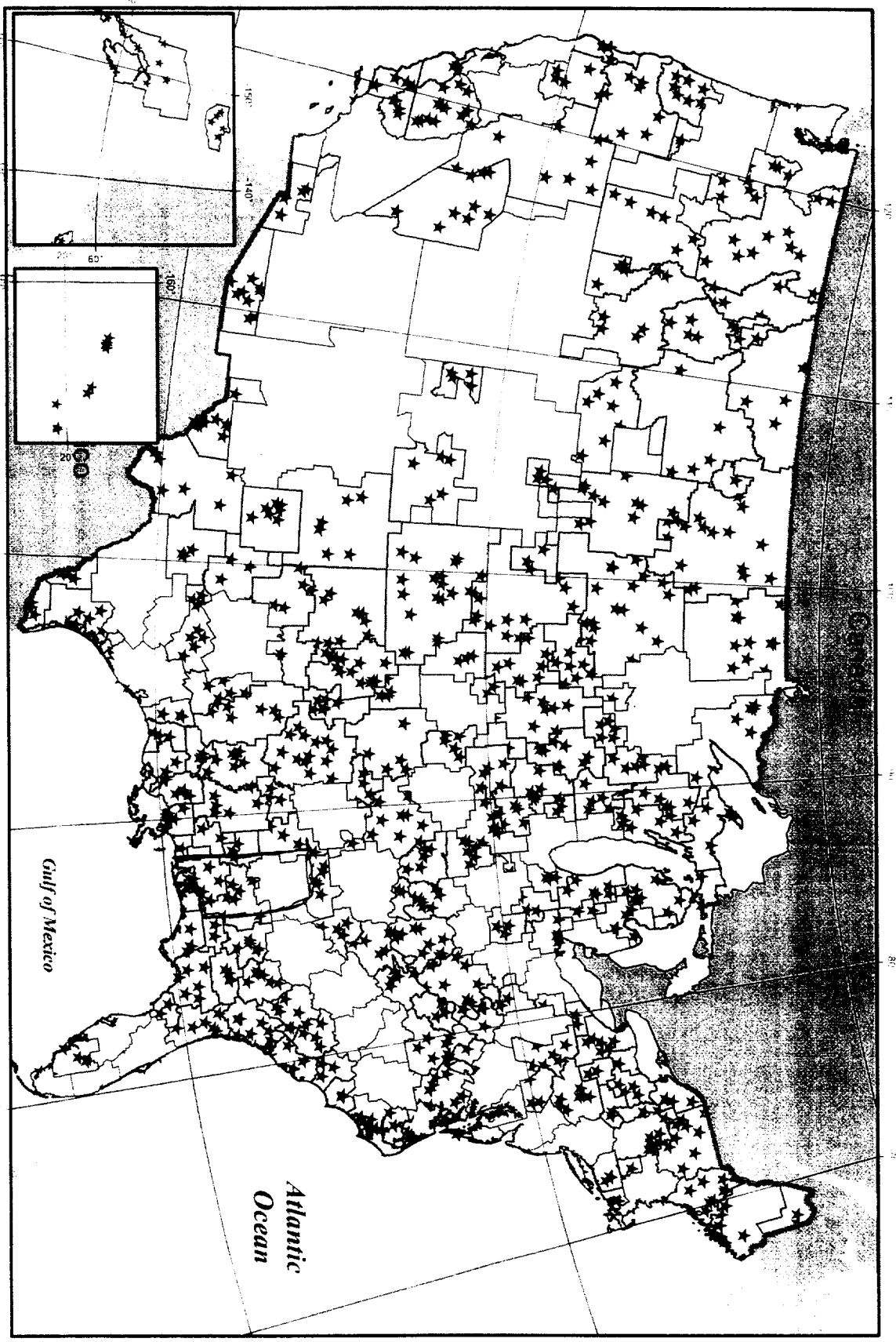
#### *Regional Maps*

- Representative regional maps are presented showing clusters of unserved television markets with station location and call letters identified. Additional maps may be found on the EARN web site ([www.earntv.org](http://www.earntv.org)).





# Over 1100 Television Stations in DMA's Unserved by DBS



The 210 Nielsen Designated Market Areas

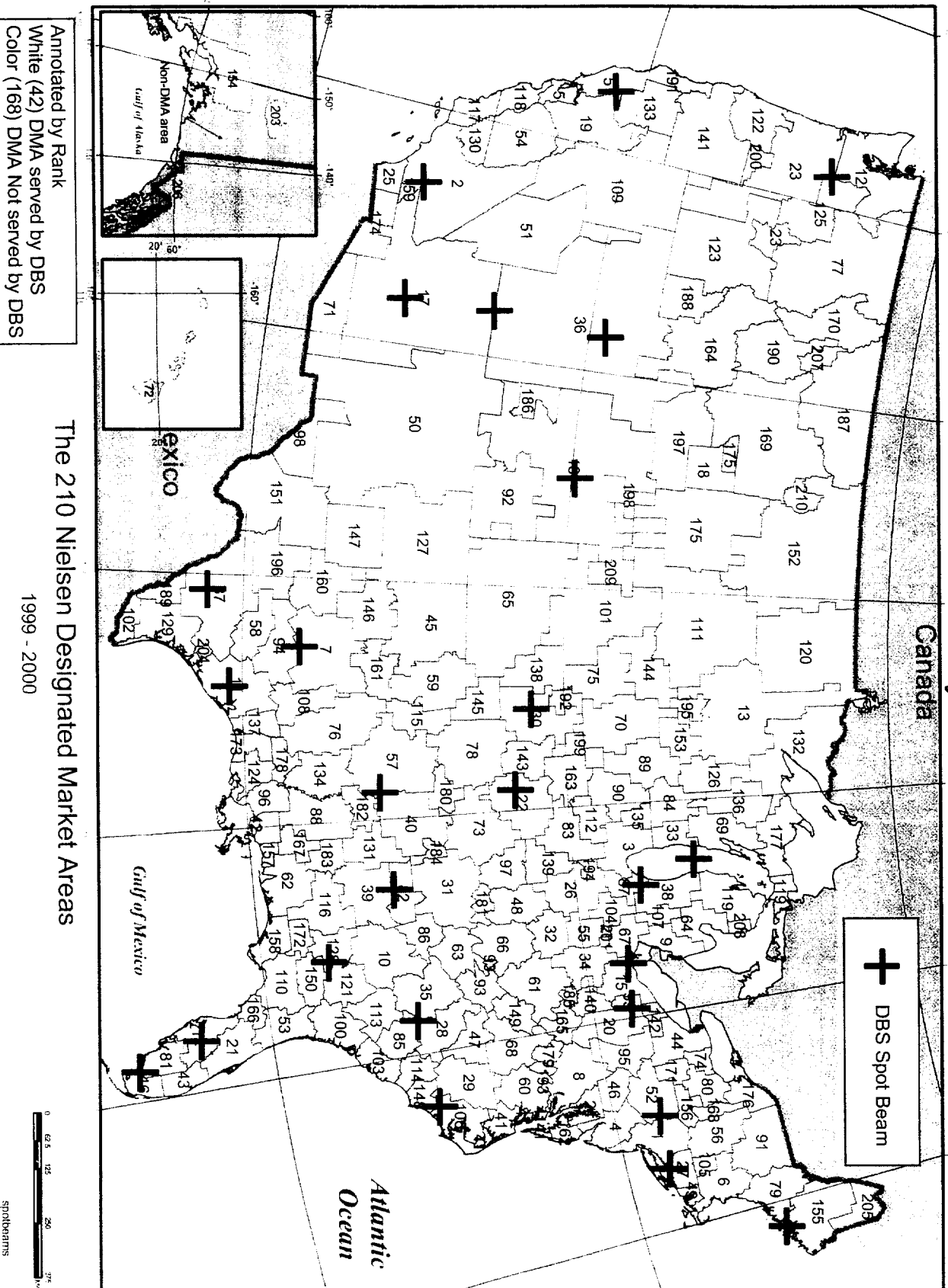
1999 - 2000



elevenhundredfiftykilometers

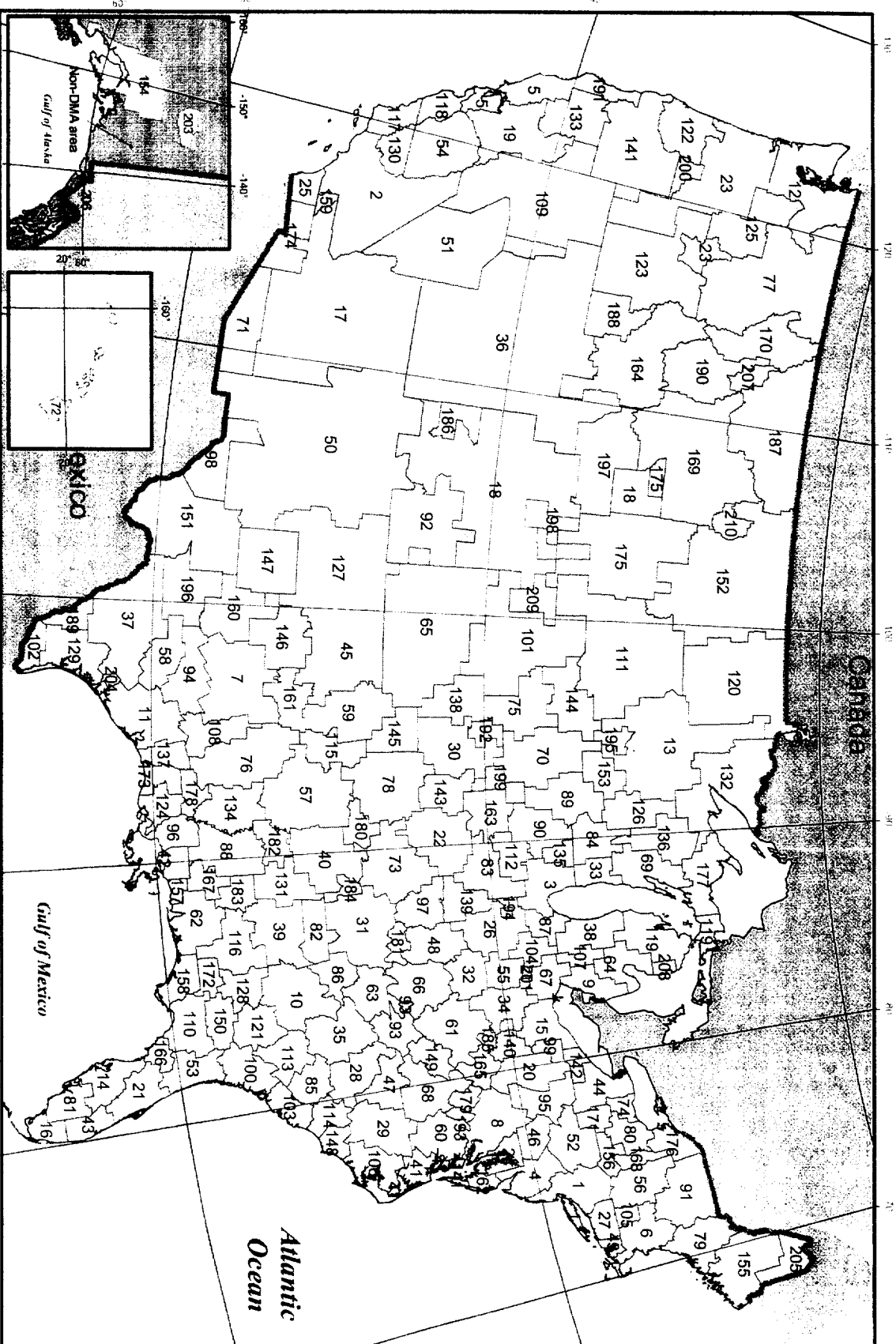
# Spot Beams as Indicated Do Not Solve the Problem

## Beams Focus on Currently Served Metro Areas



Annotated by Rank  
White (42) DMA served by DBS  
Color (168) DMA Not served by DBS

# Over 160 DMA's Currently Unserved by DBS



The 210 Nielsen Designated Market Areas

1999 - 2000



3



**Top Ten Lists: Who Is Feeling It the Most**  
**FCC Licensed Television Stations "Left Behind" By Satellite Television**

<b>TOP TEN STATES LEFT BEHIND</b>	
	<b>Stations</b>
TX	74
NY	45
MI	42
CA	41
LA	36
KY	36
FL	34
GA	33
PR	32
IL	32
Grand Total	405

<b>TOP TEN AFFILIATES LEFT BEHIND</b>	
	<b>Stations</b>
EDU	248
NBC	171
ABC	170
CBS	160
FOX	137
IND	79
PAX	36
UPN	33
WB	25
UNI	11
Grand Total	1070

<b>TOP LEFT BEHIND CONGRESSIONAL DISTRICTS</b>			
<b>Representative</b>	<b>State</b>	<b>Party</b>	<b>Stations</b>
Acevedo-Vila, Anibal	PR	Democrat	32
Pomeroy, Earl	ND	Democrat	26
Thune, John R.	SD	Republican	26
Rehberg, Dennis R.	MT	Republican	23
Young, Don	AK	Republican	17
Abercrombie, Neil	HI	Democrat	13
Simpson, Michael K.	ID	Republican	13
Osborne, Tom	NE	Republican	13
Cubin, Barbara	WY	Republican	12
Stupak, Bart	MI	Democrat	12
Snyder, Vic	AR	Democrat	12
Mink, Patsy T.	HI	Democrat	12
Grand Total			212

**Summary by Affiliation**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

<b>Affiliation</b>	<b>Stations</b>
EDU	248
NBC	171
ABC	170
CBS	160
FOX	137
IND	79
PAX	36
UPN	33
WB	25
UNI	11
UPN-WB	10
FOX-UPN	7
N-A	6
TMD	7
TBN	3
CBS-NBC	1
CBS-UPN	1
NBC-UPN	1
WB-PAX	1
Grand Total	1107

**Summary by State**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

<b>State</b>	<b>Station</b>
Texas	74
New York	45
Michigan	42
California	41
Kentucky	36
Louisiana	36
Florida	34
Georgia	33
Illinois	32
Puerto Rico	32
Iowa	31
Virginia	31
Wisconsin	29
Nebraska	27
Alabama	26
North Dakota	26
Oklahoma	26
Pennsylvania	26
South Dakota	26
Arkansas	25
Hawaii	25
Ohio	25
Kansas	23
Mississippi	23
Montana	23
Indiana	22
Oregon	22
South Carolina	22
Missouri	20
Tennessee	19
Idaho	18
Alaska	17
Nevada	17
Washington	16
West Virginia	16
Maine	15
North Carolina	14
Minnesota	13
Wyoming	12
Arizona	11
Colorado	11
Connecticut	11
Vermont	7
Massachusetts	6
Rhode Island	5
U.S. Virgin Islands	5
Guam	3
Maryland	3
New Mexico	3
Delaware	1
New Hampshire	1
Grand Total	1107





**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

STATE	CITY	Total
AK	Anchorage	7
	Bethel	1
	Fairbanks	4
	Juneau	2
	Ketchikan	1
	North Pole	1
	Sitka	1
AK Total		17
AL	Demopolis	1
	Dothan	2
	Dozier	1
	Florence	3
	Huntsville	5
	Louisville	1
	Mobile	5
	Montgomery	5
	Opelika	1
	Ozark	1
	Selma	1
AL Total		26
AR	Arkadelphia	1
	Camden	1
	El Dorado	1
	Eureka Springs	1
	Fayetteville	2
	Fort Smith	3
	Hot Springs	1
	Jonesboro	3
	Little Rock	6
	Mountain View	1
	Newark	1
	Pine Bluff	2
	Rogers	1
	Springdale	1
AR Total		25
AZ	Sierra Vista	1
	Tucson	8
	Yuma	2
AZ Total		11
CA	Arcata	1
	Bakersfield	4
	Chico	2
	Clovis	1
	El Centro	2
	Eureka	4
	Fresno	5
	Hanford	1
	Merced	1
	Monterey	2
	Oxnard	1
	Palm Springs	2
	Paradise	1

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

CA	Porterville	1
	Redding	2
	Salinas	2
	San Luis Obispo	2
	Sanger	1
	Sanger-Fresno	1
	Santa Barbara	1
	Santa Maria	1
	Visalia	2
	Watsonville	1
CA Total		41
CO	Colorado Springs	3
	Grand Junction	5
	Montrose	1
	Pueblo	2
CO Total		11
CT	Hartford	4
	New Britain	1
	New Haven	3
	New London	1
	Norwich	1
	Waterbury	1
CT Total		11
DE	Seaford	1
DE Total		1
FL	Cape Coral	1
	Fort Myers	3
	Fort Walton Beach	3
	Gainesville	2
	High Springs	1
	Jacksonville	7
	Live Oak	1
	Naples	2
	Orange Park	1
	Panama City	4
	Panama City Beach	1
	Pensacola	4
	Tallahassee	3
	Tice	1
FL Total		34
GA	Albany	2
	Augusta	4
	Bainbridge	1
	Baxley	1
	Brunswick	1
	Chatsworth	1
	Cochran	1
	Columbus	5
	Cordele	1
	Dalton	1
	Dawson	1
	Macon	4
	Pelham	1
	Perry	1

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

GA	Savannah	4
	Thomasville	1
	Valdosta	1
	Waycross	1
	Wrens	1
GA Total		33
GU	Agana	2
	Tamuning	1
GU Total		3
HI	Hilo	5
	Honolulu	12
	Kailua Kona	1
	Kaneohe	1
	Wailuku	6
HI Total		25
IA	Ames	1
	Burlington	2
	Cedar Rapids	4
	Council Bluffs	1
	Davenport	3
	Des Moines	4
	Dubuque	1
	Fort Dodge	1
	Iowa City	2
	Mason City	2
	Newton	1
	Ottumwa	1
	Red Oak	1
	Sioux City	5
	Waterloo	2
IA Total		31
ID	Boise	3
	Caldwell	1
	Coeur D'alene	1
	Filer	1
	Idaho Falls	2
	Lewiston	1
	Moscow	1
	Nampa	2
	Pocatello	3
	Twin Falls	3
ID Total		18
IL	Bloomington	1
	Carbondale	1
	Champaign	2
	Charleston	1
	Decatur	2
	Freeport	1
	Harrisburg	1
	Jacksonville	1
	Macomb	1
	Marion	1
	Moline	2
	Olney	1

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

IL	Peoria	5
	Quincy	3
	Rock Island	1
	Rockford	3
	Springfield	3
	Urbana	2
IL Total		32
IN	Angola	1
	Elkhart	1
	Evansville	5
	Fort Wayne	5
	Richmond	1
	Salem	1
	South Bend	4
	Terre Haute	3
	Vincennes	1
IN Total		22
KS	Colby	1
	Dodge City	1
	Ensign	1
	Garden City	2
	Goodland	1
	Great Bend	1
	Hays	2
	Hoisington	1
	Hutchinson	2
	Lakin	1
	Pittsburg	1
	Salina	1
	Topeka	4
	Wichita	4
KS Total		23
KY	Ashland	2
	Beattyville	1
	Bowling Green	4
	Campbellsville	2
	Danville	1
	Elizabethtown	1
	Harlan	1
	Hazard	2
	Lexington	4
	Louisville	7
	Madisonville	2
	Morehead	2
	Murray	1
	Owensboro	1
	Paducah	3
	Pikeville	1
	Somerset	1
KY Total		36
LA	Alexandria	3
	Baton Rouge	5
	Columbia	1
	Lafayette	4

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

LA	Lake Charles	3
	Minden	1
	Monroe	2
	New Orleans	9
	Shreveport	5
	Slidell	1
	West Monroe	2
LA Total		36
MA	Adams	1
	New Bedford	2
	Springfield	3
MA Total		6
MD	Salisbury	3
MD Total		3
ME	Augusta	1
	Bangor	3
	Biddeford	1
	Calais	1
	Lewiston	1
	Orono	1
	Poland Spring	1
	Portland	3
	Presque Isle	2
	Waterville	1
ME Total		15
MI	Alpena	2
	Bad Axe	1
	Battle Creek	2
	Bay City	1
	Cadillac	3
	Calumet	1
	Cheboygan	1
	East Lansing	1
	Escanaba	1
	Flint	3
	Grand Rapids	4
	Iron Mountain	1
	Jackson	1
	Kalamazoo	3
	Lansing	3
	Manistee	1
	Marquette	2
	Mount Pleasant	1
	Muskegon	1
	Onondaga	1
	Saginaw	2
	Sault Ste. Marie	2
	Traverse City	2
	University Center	1
	Vanderbilt	1
MI Total		42
MN	Austin	2
	Duluth	4
	Hibbing	1

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

MN	Mankato	1
	Minneapolis	1
	Rochester	2
	Thief River Falls	1
	Worthington	1
MN Total		13
MO	Cape Girardeau	2
	Columbia	2
	Hannibal	1
	Jefferson City	2
	Joplin	3
	Kirksville	1
	Poplar Bluff	1
	Sedalia	1
	Springfield	5
	St. Joseph	2
MO Total		20
MS	Biloxi	2
	Bude	1
	Columbus	1
	Greenville	1
	Greenwood	2
	Gulfport	1
	Hattiesburg	1
	Jackson	5
	Laurel	1
	Meridian	4
	Mississippi State	1
	Natchez	1
	Tupelo	1
	West Point	1
MS Total		23
MT	Billings	3
	Bozeman	3
	Butte	3
	Glendive	1
	Great Falls	3
	Hardin	1
	Helena	2
	Kalispell	1
	Lewistown	1
	Miles City	1
	Missoula	4
MT Total		23
NC	Columbia	1
	Greenville	4
	Jacksonville	2
	Morehead City	1
	New Bern	1
	Washington	1
	Wilmington	4
NC Total		14
ND	Bismarck	5
	Devils Lake	1

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

ND	Dickinson	3
	Ellendale	1
	Fargo	4
	Grand Forks	1
	Jamestown	1
	Minot	5
	Pembina	1
	Valley City	1
	Williston	3
ND Total		26
NE	Albion	1
	Alliance	1
	Bassett	1
	Grand Island	2
	Hastings	2
	Hayes Center	1
	Kearney	1
	Lexington	1
	Lincoln	3
	Mccook	1
	Merriman	1
	Norfolk	1
	North Platte	2
	Omaha	6
	Scottsbluff	2
	Superior	1
NE Total		27
NH	Littleton	1
NH Total		1
NM	Clovis	1
	Las Cruces	2
NM Total		3
NV	Henderson	1
	Las Vegas	7
	Paradise	1
	Reno	7
	Winnemucca	1
NV Total		17
NY	Albany	3
	Amsterdam	1
	Batavia	1
	Binghamton	4
	Buffalo	7
	Carthage	1
	Corning	1
	Elmira	2
	Jamestown	1
	North Pole	1
	Norwood	1
	Plattsburgh	1
	Rochester	5
	Schenectady	3
	Springville	1
	Syracuse	7



**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

NY	Utica	3
	Watertown	2
NY Total		45
OH	Alliance	1
	Athens	1
	Bowling Green	1
	Cambridge	1
	Dayton	5
	Lima	2
	Portsmouth	2
	Springfield	1
	Steubenville	1
	Toledo	6
	Youngstown	3
	Zanesville	1
OH Total		25
OK	Ada	1
	Bartlesville	1
	Cheyenne	1
	Claremore	1
	Eufaula	1
	Lawton	1
	Muskogee	1
	Oklahoma City	10
	Okmulgee	1
	Tulsa	8
OK Total		26
OR	Bend	2
	Coos Bay	2
	Corvallis	1
	Eugene	5
	Klamath Falls	3
	Medford	5
	Pendleton	1
	Roseburg	3
OR Total		22
PA	Altoona	3
	Clearfield	1
	Erie	5
	Harrisburg	3
	Hazleton	1
	Johnstown	2
	Lancaster	2
	Red Lion	1
	Scranton	5
	Wilkes-Barre	1
	Williamsport	1
	York	1
PA Total		26
PR	Aguada	1
	Aguadilla	3
	Arecibo	1
	Bayamon	1
	Caguas	2

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

PR	Carolina	1
	Fajardo	3
	Guayama	1
	Humacao	1
	Mayaguez	3
	Naranjito	1
	Ponce	6
	San Juan	6
	San Sebastian	1
	Yauco	1
PR Total		32
RI	Block Island	1
	Providence	4
RI Total		5
SC	Allendale	1
	Beaufort	1
	Charleston	6
	Columbia	5
	Conway	1
	Florence	4
	Hardeeville	1
	Myrtle Beach	1
	Sumter	2
SC Total		22
SD	Aberdeen	2
	Brookings	1
	Eagle Butte	1
	Florence	1
	Huron	1
	Lead	2
	Lowry	1
	Martin	1
	Mitchell	1
	Pierre	2
	Rapid City	5
	Reliance	1
	Sioux Falls	6
	Vermillion	1
SD Total		26
TN	Chattanooga	5
	Cleveland	1
	Crossville	1
	Greeneville	1
	Jackson	1
	Jellico	1
	Johnson City	1
	Kingsport	1
	Knoxville	5
	Lexington	1
	Sneedville	1
TN Total		19
TX	Abilene	2
	Amarillo	5
	Beaumont	3

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

TX	Belton	1
	Big Spring	1
	Brownsville	1
	Bryan	2
	College Station	1
	Corpus Christi	5
	El Paso	8
	Harlingen	3
	Jacksonville	1
	Killeen	1
	Laredo	3
	Longview	1
	Lubbock	6
	Lufkin	1
	Mc Allen	1
	Midland	1
	Nacogdoches	1
	Odessa	5
	Port Arthur	2
	Rio Grande City	1
	San Angelo	3
	Sherman	1
	Snyder	1
	Sweetwater	1
	Temple	1
	Texarkana	1
	Tyler	1
	Victoria	1
	Waco	4
	Weslaco	1
	Wichita Falls	3
TX Total		74
VA	Ashland	1
	Bristol	1
	Charlottesville	2
	Danville	1
	Grundy	1
	Hampton	1
	Hampton-Norfolk	1
	Harrisonburg	1
	Lynchburg	2
	Marion	1
	Norfolk	3
	Norton	1
	Petersburg	1
	Portsmouth	2
	Richmond	5
	Roanoke	5
	Staunton	1
	Virginia Beach	1
VA Total		31
VI	Charlotte Amalie	2
	Christiansted	3
VI Total		5

**Summary by Community**  
**FCC Licensed Television Stations "Left Behind" by Satellite Television**

VT	Burlington	3
	Hartford	1
	Rutland	1
	St. Johnsbury	1
	Windsor	1
VT Total		7
WA	Kennewick	1
	Pasco	1
	Pullman	1
	Richland	2
	Spokane	7
	Yakima	4
WA Total		16
WI	Appleton	1
	Chippewa Falls	1
	Eagle River	1
	Eau Claire	2
	Fond Du Lac	1
	Green Bay	5
	La Crosse	4
	Madison	5
	Menomonie	1
	Park Falls	1
	Rhineland	1
	Superior	1
	Suring	1
	Wausau	3
	Wittenberg	1
WI Total		29
WV	Bluefield	2
	Charleston	3
	Clarksburg	2
	Grandview	1
	Huntington	3
	Lewisburg	1
	Oak Hill	1
	Parkersburg	1
	Weston	1
	Wheeling	1
WV Total		16
WY	Casper	3
	Cheyenne	3
	Jackson	1
	Lander	2
	Rawlins	1
	Riverton	1
	Sheridan	1
WY Total		12
Grand Total		1107

